



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

April 18, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Executive Summary

This memorandum provides information on the following:

- **Pursuit of County Position to Oppose SB 388 (Lieu).** This measure would expand certain investigation protections to situations where a public safety officer or firefighter is subject to interrogation, but not formally under investigation. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose:
1) legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors; 2) new unfunded mandates unless they promote a higher priority of the Board of Supervisors; and 3) proposals that reduce county medical control over local Emergency Medical Services providers, **the Sacramento advocates will oppose SB 388.**
- **Status of County-Sponsored Legislation**
 - **County-sponsored AB 506 (Mitchell)** - related to consent for HIV testing of an infant less than one year of age who is placed in foster care passed the Assembly Humans Services Committee on April 16, 2013.
 - **County-sponsored AB 512 (Rendon)** - related to the extension of the sunset date for exemptions to the State licensing requirements for qualified,

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volunteer out-of-State health care practitioners, passed the Assembly Appropriations Committee on April 17, 2013.

- **Status of County-Advocacy Legislation**

- **County-opposed AB 1357 (Hernandez)** - related to the use of Measure B funds for trauma care in the San Gabriel Valley is scheduled for hearing on April 23, 2013.
- **County-supported SB 53 (De León)** - related to purchase permits and requirements for ammunition sales among other provisions, passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013.

- **Status of Legislation of County Interest**

- **AB 1151 (Ting)** - related to property tax agents registering biennially with the Secretary of State, was amended April 16, 2013, to change the effective date of the bill from July 1, 2015 to July 1, 2014.

Pursuit of County Position on Legislation

SB 388 (Lieu), which as amended on April 8, 2013, would expand the investigation rights and protections provided to public safety officers and firefighters to situations where an officer or firefighter is subject to interrogation, but not formally under investigation.

Existing law, the Peace Officer Bill of Rights (POBOR) Act and the Firefighters Procedural Bill of Rights (FPBOR) Act, grant certain rights and protections to public safety officers and firefighters who are under investigation and subject to discipline. As part of these rights, subject employees may only be interrogated under certain conditions including: 1) conducting investigations at a reasonable hour when the officer or firefighter is on duty, else they are compensated for off-duty time; 2) the officer or firefighter must be informed of the nature of the inquiry prior to any interrogation; 3) the officer or firefighter must be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation; among other provisions.

SB 388 would amend the Peace Officers Procedural Bill of Rights Act and the Firefighters Procedural Bill of Rights Act to extend these rights to officers and firefighters interrogated as part of an investigation, whether or not that employee is the subject of the investigation.

The Chief Executive Office Employee Relations section indicates that SB 388 could negatively impact County operations as it would make it more difficult to investigate possible improper behavior or actions involving peace officers and firefighters. The Sheriff's Department notes that expanding the complex provisions under POBOR to employees questioned as part of routine investigations of which they are not the subject, would make conducting investigations and supervisory inquiries more difficult and time-consuming, increasing staffing and administrative costs. The California State Association of Counties notes that the bill would subject nearly any question or discussion with an officer or firefighter to conditions under the POBOR and FPBOR, and would make it difficult to manage the day-to-day operations of a public safety department.

The Department of Health Services, Emergency Medical Services (DHS/EMS) Agency indicates that SB 388 would expand the FPBOR to any inquiry of a firefighter by a representative from a licensing or certifying agency. DHS/EMS indicates that this expansion would apply the FPBOR to the exchange of vital patient information in an emergency department between firefighter paramedics and emergency physicians, surgeons and nurses. According to DHS/EMS, applying the FPBOR in these instances would directly threaten patient safety in the presence of information that a potential medical mistake by a paramedic needs to be immediately identified and corrected by a physician.

This office and the Sheriff's Department oppose SB 388. Therefore, unless otherwise directed by the Board, consistent with existing policies to oppose: 1) legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors; 2) new unfunded mandates unless they promote a higher priority of the Board of Supervisors; and 3) proposals that reduce County medical control over local EMS providers, **the Sacramento advocates will oppose SB 388.**

SB 388 is sponsored by the Los Angeles Police Protective League. The bill is opposed by the California State Association of Counties, the California State Sheriffs' Association, the Emergency Medical Services Administrators' Association of California, and the County Health Directors Association of California.

SB 388 is scheduled for hearing in the Senate Public Safety Committee on April 23, 2013.

Status of County-Sponsored Legislation

County-sponsored AB 506 (Mitchell), which was introduced on February 20, 2013, would allow a social worker or a health care practitioner, under specific circumstances, to provide consent to an HIV test as part of the routine physical examination for an infant less than one year of age who is placed in foster care, passed the Assembly Human Services

Committee by a vote of 5 to 0 on April 16, 2013. The measure now proceeds to the Assembly Judiciary Committee.

County-sponsored AB 512 (Rendon), which as introduced on February 20, 2013, would extend the sunset date of **County-sponsored 2699 of 2010**, from January 1, 2014 to January 1, 2018, to provide exemptions from State licensing requirements for qualified out-of-State health care practitioners who provide short-term, volunteer medical and dental services, passed the Assembly Appropriations Committee by a vote of 16 to 0 on April 17, 2013. The measure now proceeds to the Assembly Floor.

Status of County-Advocacy Legislation

County-opposed AB 1357 (Hernandez), which as amended on April 8, 2013, would require Measure B funds collected from properties in the San Gabriel Valley to remain within that region for medical and trauma services to reduce ambulance diversion. The bill would also establish a task force to study and audit County Measure B Funds collected from properties in the San Gabriel Valley since the passage of the Measure. The task force would consist of the State Directors of the EMS Authority, Public Health, the California State Auditor, and a representative from a local hospital to be selected by the members of the task force.

AB 1357 is scheduled for a hearing in the Assembly Health Committee on April 23, 2013. The Sacramento advocates have met with Assembly Member Hernandez to express the Board's strong opposition to this measure and explain the measure's impact to the County's emergency and trauma system. Additionally, the Sacramento advocates will meet with members of the Assembly Health Committee to advise them of the County's opposition to AB 1357. The bill is also opposed by the Sheriff's Department.

The Assembly Health Committee members are:

Richard Pan, Chair (D), Sacramento
Tom Ammiano, (D), San Francisco
Susan Bonilla, (D), Concord
Wesley Chesbro, (D), Arcata
Roger Hernandez, (D), West Covina
Brian Maienschein, (R), San Diego
Holly Mitchell, (D), Los Angeles
Brian Nestande, (R), Palm Desert
Donald Wagner, (R), Irvine
Scott Wilk, (R), Santa Clarita

Dan Logue, Vice Chair (R), Marysville
Toni Atkins, (D), San Diego
Rob Bonta, (D), Alameda
Jimmy Gomez, (D), Los Angeles
Bonnie Lowenthal, (D), Long Beach
Allan Mansoor, (R), Costa Mesa
Adrin Nazarian, (D), Sherman Oaks
V. Manuel Perez, (D), Coachella
Bob Wieckowski, (D), Fremont

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County-supported SB 53 (De León), which as amended on April 1, 2013, would: 1) require anyone who purchases ammunition, beginning July 1, 2017, to hold an ammunition purchase permit; 2) authorize the California Department of Justice to issue ammunition purchase permits to applicants who are residents of the State, at least 18 years of age, not prohibited from acquiring or purchasing ammunition and who pay a specified fee; 3) require that delivery or transfer of ownership of any ammunition occur in a face-to-face transaction; 4) require that, commencing July 1, 2014, only a licensed ammunition vendor may sell ammunition; among other provisions, passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013. The measure now proceeds to the Senate Appropriations Committee.

Status of Legislation of County Interest

AB 1151 (Ting), which as amended on April 16, 2013, would: 1) effective July 1, 2014, require a property tax agent to register biennially with the Secretary of State before representing a tax payer before any county official; 2) specify certain offenses that would prohibit tax agents from registering to practice in the State; and 3) specify the legislation would not prohibit a county from enacting a local ordinance requiring tax agent reporting requirements for campaign contributions to elected officials in that county.

AB 1151 is scheduled to be heard in the Assembly Local Government Committee on April 24, 2013.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants